IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 30722 of 1997

DATED: 10.02.2006

Between:

K.Dana Kumar Petitioner

And

The Revenue Divisional Officer,

Tirupati, Chittoor district and others Respondents

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THE HON'BLE SRI JUSTICE N.V.RAMANA

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WRIT PETITION NO. 30722 OF 1997

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ORAL ORDER:

The petitioner herein claims to be owner of land to an extent of 405 Sq.ft., including three rooms constructed therein, bearing Door No. 11-150/1 in T.S. No. 11 Ward No.3 Block-F of T.K. Street, Tirupati, having purchased the same under registered sale deed dated 17.11.1989. The said land was acquired by the third respondent vide notification dated 02.08.1997 issued under
Section 4(1) of the Land Acquisition Act, 1894. In the acquisition notification, the name of the petitioner was not shown as owner, and the instead the name of one Smt. A. Krupavathi, mother of the petitioner's vendor, was shown as owner of the subject property. The petitioner states that he made representations dated 04.01.1995 and 12.06.1997 for mutation of his name in the revenue records, but no

action was taken thereon by the revenue officials. Hence, he filed this writ petition seeking direction to the respondents to dispose of his aforementioned representations and mutate his name in the revenue records, and consequently, direct the respondents to issue notice before conducting enquiry under Section 5-A of the Land Acquisition Act, 1894, and consider his objections, if any, thereto.

The learned counsel for the petitioner submitted that the petitioner is the absolute owner of the subject land having acquired title to the property vide registered sale deed dated 17.11.1989. He further submitted that the petitioner established his title to the property in the suit filed by the Gram Panchayat, Tirumala, against him in O.S. No. 1136 of 1998 on the file of the
I Additional Junior Civil Judge, Tirupati, wherein the vendor of petitioner, one Mr. A.Gopi, categorically stated that he has acquired title and right over the property under registered will dated 24.11.1980, and that he sold the subject property to the petitioner vide registered sale deed dated 17.11.1989. He thus contended that the petitioner having purchased the property from his vendor, has become the owner thereof, and as such, the respondents before conducting enquiry under Section 5-A of the Land Acquisition Act, 1894, are bound to give him notice, and consider his objections, if any, thereto and pay him the acquisition and other benefits.

The third respondent filed counter affidavit admitting the acquisition proceedings. The learned Government Pleader for Land Acquisition, reiterating the counter-averments submitted that the petitioner was provided reasonable opportunity to submit his case. The petitioner submitted documents to prove his title to the property through registered post dated 24.10.1997. The respondents having considered the documents, confirmed his ownership to the property, and his name was included in the draft declaration proposals under Section 6 of the Land Acquisition Act, 1894. He submitted that since there is no ownership dispute, the petitioner would be paid the compensation and other benefits for the acquired property.

At this stage, the learned counsel for the petitioner submitted that since the respondents have included the name of the petitioner in the draft proposals under Section 6 of the Land Acquisition Act, 1894, and agreed to pay the compensation, the petitioner has no objection to receive the compensation for the land sought to be acquired, if the same is paid on par with other similarly situated persons.

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition for the respondents, and perused the material on record.

Inasmuch as the respondents have not disputed the title of the petitioner, and having regard to the fact that the respondents upon satisfying the title of the petitioner in respect of the property sought to be acquired, included his name in the draft declaration under Section 6 of the Land Acquisition Act, 1894, and agreed to pay compensation and other statutory benefits to the petitioner for the land sought to be acquired on par with other similarly situated persons, which the petitioner agreed to receive, I deem it appropriate to dispose of the writ petition with the following directions:

As the respondents are not disputing the title of the petitioner in respect of the property sought to be acquired, I see no reason whatsoever to continue the interim order. Accordingly, the interim order is vacated. Now that the respondents having confirmed the title of the petitioner in respect of the property sought to be acquired, included his name in the draft declaration under Section 6 of the Land Acquisition Act, 1894, the respondents shall proceed further in the matter, and pass appropriate award and pay compensation and other statutory benefits that are payable to the petitioner for the land sought to be acquired, on par with other similarly situated persons, expeditiously.

The writ petition is accordingly disposed of. No costs.

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N.V. RAMANA, J.

Date: 10.02.2006.

TVK/GRK